REMARKS/ARGUMENTS

In the Office Action, the rejects Claims 14 and 22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 4,876,651 to Dawson et al. ("Dawson"). Claims 1-13, 15-21, and 23-40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dawson in view of U.S. Pat. No. 6,498,982 to Bellesfield et al. ("Bellesfield") and in further view of U.S. Pat. No. 5,948,040 to DeLorme et al. ("Delorme").

Applicants have amended independent Claims 14 and 22 to further patentably distinguish the cited references. Several dependent claims have also been amended in light of the amendments to independent claims 14 and 22. Non-substantive amendments have been made to several additional claims. New claims 41-43 have been added and are patentably distinct from the cited references for the reasons discussed herein and are fully supported by the specification. Therefore, in light of the amendments and subsequent remarks, Applicants respectfully submit that the claims are in condition for allowance

Claims 14 and 22 are Patentably Distinct from the Cited Reference

The Examiner finds that Dawson anticipates independent Claims 14 and 22. Independent Claims 14 and 22 recite a method for providing travel information and a method for a user to obtain travel information, respectively. A method for providing travel information according to Claim 14 includes receiving a request including a departure location, but not a destination location, and a set of user-defined criteria. The method also includes determining a plurality of potential destination locations based at least in part upon the set of user-defined criteria. The method further includes generating data representative of a map including a set of points corresponding to the departure location and any airports having carrier service from the departure location to the plurality of determined potential destination locations and transmitting the generated map.

Briefly, Dawson discloses a digital mapping display system for an aircraft, wherein map data from a memory unit is periodically loaded into cache memory in accordance with the aircraft trajectory. Segments of map data depicting terrain and cultural features such as hydrology, vegetation, and airports are then displayed on a

display in accordance with the aircraft's real time coordinate position and heading. *See, e.g.* Col 1, line 64 – Col 2, line 38 of Dawson.

Applicants have amended independent Claims 14 and 22 to recite that the request includes a departure location and a set of user-defined criteria, but not a destination location and further that the generated map includes a set of points corresponding to the departure location and any airports having carrier service from the departure location to a plurality of potential destination locations determined at least in part based upon the set of user-defined criteria. In this regard, a user may enter a departure location and a set of criteria, such as, for example, a maximum airfare, distance, or weather condition. A plurality of potential destination locations, i.e. airports, to which the user may travel from the indicated departure location are determined based at least in part upon the set of criteria and a map is generated including overlaid points representing those potential destination locations and the indicated departure location. Support for these amendments may be found at least at Paragraphs 26 and 43 of the present application.

In contrast to amended Claims 14 and 22, Dawson simply discloses a digital mapping display system for use in an aircraft displaying a map of terrain and cultural features such as hydrography, vegetation, and airports based upon the aircraft's current position and heading. *See, e.g.* the abstract and Col 1, line 62 - Col 2, line 38 of Dawson. Dawson does not teach or suggest determining a plurality of potential destination locations based at least in part upon a set of user-defined criteria included in a request including a departure location but not a destination location. Furthermore, Dawson does not teach or suggest generating a map including a set of points corresponding to the departure location and the plurality of determined potential destination locations. Instead, at most Dawson discloses displaying a terrain map based upon an aircraft's current position and heading, i.e. a single point map with information about an inherent immediate destination based upon the aircraft's heading. Therefore, Claims 14 and 22 are patentably distinct from the cited reference. As such, Applicants respectfully submit that the rejection is overcome and Claims 14 and 22 are in condition for allowance.

Claims 1, 7, and 8 are Patentably Distinct from the Cited References

Independent Claims 1, 7, and 8 recite a method for graphically displaying travel

information on an electronic map within a network environment, a system for distributing travel information in a network, and a travel information system, respectively. In the Office Action, the Examiner rejected independent Claims 1, 7, and 8 as being obvious based upon the combination of Dawson, Bellesfield, and DeLorme.

Briefly, Bellesfield discloses an automated travel planning apparatus and method that includes a map database, a routing database and a places of interest database. In operation, upon receipt of a selected geographic region, the apparatus displays a bit-mapped image of the region from images in the map database. A user then selects a departure and destination point, and the routing database is used to generate a route between the selected departure and destination points. Also, if the user requests a list of places of interest near the route, the places of interest database can be utilized to generate a list of places of interest that are within a predetermined distance of the generated route.

DeLorme discloses a travel reservation information and planning system and method. According to the method, users engage in a planning process for travel between an origin and destination via a number of intermediate waypoints. DeLorme allows users to plan, revise or edit travel plans, as well as preview alternate routes, select points of interest, and compare times and costs of transportation options such that the users can achieve a final travel plan. For example, the system can facilitate a user planning a trip having a known travel destination as well as a date/time of arrival at the destination around which to build the trip.

Applicants respectfully submit that Dawson is non-analogous to the claimed invention, and as such, cannot properly be relied upon as a basis for rejection of the claimed invention under 35 U.S.C. § 103(a). MPEP § 2141.01(a). As explained in the MPEP, to be analogous, a reference must either be in the same field as Applicants' endeavor, or if not, then be reasonably pertinent to the particular problem with which the invention is concerned. *Id.* In this regard, the Federal Circuit has stated that matter disclosed in the reference must be such that it logically would have commended itself to an inventor' s attention in considering the inventor's problem. *See In re Clay*, 966 F.2d 656, 659 (Fed. Cir. 1992).

As explained in the MPEP, structural and functional differences are evidence of non-analogy or analogy. MPEP § 2141.01(a). In the instant case, any structural and

functional similarities between Dawson and the claimed invention are far outweighed by structural and functional differences therebetween. In this regard, the only structural and functional similarity between the Dawson system and that of the claimed invention is that both include the display of a map with some data overlaid thereon. The manner (function) by which the systems of Dawson and the claimed invention operate are significantly different. The claimed invention is directed to querying information pertaining to potential travel destinations based upon a request comprising a departure location and a set of user-defined criteria, determining a plurality of potential destinations based upon the request, and then overlaying the determined plurality of potential locations and associated airfares on a map. Thus the claimed invention is directed toward a system to present potential travelers, i.e. consumers, a plurality of potential destination locations and flights from the user-defined departure location to the plurality of potential destination locations based upon a set of user-defined criteria. Dawson, on the other hand, is directed to supplying navigational maps for display to pilots of aircraft based upon an aircraft's current position and heading. Thus in contrast to the claimed invention, which determines a plurality of potential destinations based upon consumer provided information, Dawson simply provides a real-time navigational aid for aircraft pilots. Furthermore, the system of Dawson is embodied on an aircraft's onboard flight computers. In contrast, the claimed invention is embodied on a network, which may be comprised of servers and other computing devices that store travel information and that perform querying, processing, and determination steps remote from a computing device associated with a requesting user. For at least these functional and structural differences, Applicants respectfully submit that Dawson is in a different field from that of the claimed invention, nor is Dawson reasonably pertinent to the particular problem with which the claimed invention is concerned.

Furthermore, Applicants submit that even if Dawson is analogous art, there is not any apparent reason to combine Dawson with Bellesfield and DeLorme, nor has the Official Action provided a sufficient reason for their combination. In this regard, Applicants acknowledge that the Supreme Court's recent decision in *KSR Int'l. Co. v. Teleflex, Inc.*, 127 S.Ct. 1727, 82 USPQ2d (BNA) 1385 (2007), rejected a rigid application of the "teaching, suggestion or motivation" (TSM) test. Nonetheless, the

Court did state that obviousness often requires determining whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue, and that to facilitate review, this analysis should be made explicit. *See KSR Int'l. Co.*, 127 S.Ct. at 1740–41, 82 USPQ2d (BNA) at 1396. As such, the TSM test still remains a factor in determining motivation to combine. Even further, the Court noted that "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, 127 S.Ct. at 1740-41, 82 USPQ2d (BNA) at 1396, *citing In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d (BNA) 1329 (Fed. Cir. 2006) (emphasis added). In the instant case, Dawson, as described above, is related to a navigational aid for aircraft. In contrast, Bellesfield and DeLorme are both directed to systems for enabling consumers to plan travel itineraries. As such, there would be absolutely no motivation for one skilled in the art to combine Dawson with Bellesfield and DeLorme. Applicants therefore respectfully submit that the rejection of independent Claims 1, 7, and 8 is overcome and that Claims 1, 7, and 8 are in condition for allowance.

New Claims 41-43 are Patentably Distinct from the Cited References

Applicants have added new Claims 41-43, dependent on Claims 1, 7, and 8, respectively, which recite that the set of user-defined travel related criteria includes a departure location, but not a destination location, and that the solution set is representative of a plurality of potential destinations. As such, these claims include recitations similar to those added to independent Claims 14 and 22. Applicants submit that none of the cited references, taken alone, or in combination cites a method or system wherein a user enters criteria with a request including a departure location, but not a destination location from which a plurality of potential destinations are determined and overlaid on a map and as such the new claims are patentably distinct from the cited references for at least the reasons discussed above in connection with Claims 14 and 22.

The Dependent Claims are Patentably Distinct from the Cited References

As the dependent claims include each of the recitations of a respective

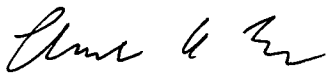
independent claim, Applicants further submit that the rejections of the dependent claims are overcome for at least the reasons cited above.

CONCLUSION

In view of the amended claims and remarks presented above, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Charles A. Leyes
Registration No. 61,317

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON February 28, 2008.